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*Attorneys for James M. Rhodes*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
THE RHODES COMPANIES, LLC, aka  
"Rhodes Homes," *et al.*,  
  
Reorganized Debtors

Case No.: 09-14814-LBR  
(Jointly Administered)

Chapter 11

**JAMES RHODES' NOTICE OF  
APPEAL**

☒ Affects all Debtors

☐ Affects the following Debtors

Pursuant to 28 U.S.C. § 158(a), Fed. R. Bankr. P. 8001 *et seq.*, and Local Rule 8001 *et seq.*, James M. Rhodes ("**Rhodes**"), through counsel, hereby appeals from the *Order Denying Motion to Quash Rule 2004 Examination and Corresponding Subpoenas* (the "**Order**") entered in this case by the Honorable Linda B. Riegle on October 12, 2011 [Docket No. 1570], a true and correct copy of which is attached hereto.

The names of all parties to the Order appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

**Party**

*The Litigation Trust of The  
Rhodes Companies, LLC, et al.*

**Attorneys**

Eric D. Madden  
Michael J. Yoder  
Jacob J. Roberts  
Diamond McCarthy LLP  
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Las Vegas, Nevada 89101  
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Other interested parties to this appeal may include the following:

*Reorganized Debtors*

Nile Leatham  
Natalie M. Cox  
Kolesar & Leatham, CHTD  
3320 West Sahara Avenue, Suite 380  
Las Vegas, Nevada 89102-3202  
Telephone No. (702) 362-7800  
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One Bryant Park  
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Facsimile No. (212) 872-1002  
E-Mail: pdublin@akingump.com

aqureshi@akingump.com  
mlahaie@akingump.com

*Subpoenaed Parties*

UBS Financial Services Inc.  
By and Through Its Registered Agent:  
CSC Services of Nevada, Inc.  
2215-B Renaissance Drive  
Las Vegas, NV 89119

Chicago Title of Nevada, Inc.  
By and Through Its Registered Agent:  
Corporation Trust Company of Nevada  
311 South Division Street  
Carson City, NV 89703

Alvarez & Marshal North America, LLC  
By and Through Its Registered Agent:  
CSC Services of Nevada, Inc.  
2215-B Renaissance Drive  
Las Vegas, NV 89119

Santoro, Driggs, Walch, Kearney,  
Holley & Thompson, Ltd.  
Attn: Any Officer or Director  
400 South Fourth Street, 3<sup>rd</sup> Floor  
Las Vegas, NV 89101

Nevada State Bank  
By and Through Its Registered Agent:  
CSC Services of Nevada, Inc.  
2215-B Renaissance Drive  
Las Vegas, NV 89119

Mutual of Omaha Bank  
By and Through Its Registered Agent:  
CSC Services of Nevada, Inc.  
2215-B Renaissance Drive  
Las Vegas, NV 89119

Town & Country Bank, Inc.  
By and Through Its Registered Agent:  
Philip M. Burns  
8620 W. Tropicana Avenue  
Las Vegas, NV 89103

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Alliance Mortgage, LLC  
By and Through Its Registered Agent:  
Sara M. Huchinson  
11920 Southern Highlands Parkway, #101  
Las Vegas, NV 89141

American Commonwealth Mortgage  
Company  
By and Through Its Registered Agent:  
David J. Cabral  
536 E. St. Louis Ave.  
Las Vegas, NV 89104

Wells Fargo Bank, N.A.  
By and Through Its Registered Agent:  
CSC Services of Nevada, Inc.  
2215-B Renaissance Drive  
Las Vegas, NV 89119

BNY Mellon f/k/a The Bank of New York  
Attn: Any Officer or Director  
One Wall Street  
New York, NY 10286

Transnation Title Agency  
Attn: Any Officer or Director  
1500 East Woolford Road  
Show Low, AZ 85901

Stewart Title Company  
By and Through Its Registered Agent:  
Corporation Trust Company of Nevada  
311 S. Division Street  
Carson City, NV 89703

Yuma Title  
Attn: Carrie Safranek, Manager  
11611 S. Foothills Blvd., #A  
Yuma, AZ 85367-5845

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American Express Company  
By and Through Its Registered Agent:  
Corporation Trust Company of Nevada  
311 S. Division Street  
Carson City, NV 89703

Stewart Occhipinti, LLP  
Attn: Any Principal  
65 West 36<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, NY 10018

Security Title of Nevada, LLC  
By and Through Its Registered Agent:  
Corporation Trust Company of Nevada  
311 S. Division Street  
Carson City, NV 89703

Commerce Title Company  
By and Through Its Registered Agent:  
National Registered Agents, Inc.  
2875 Michelle Drive, Suite 100  
Irvine, CA 92606

Fidelity National Financial, Inc.  
By and Through Its Registered Agent:  
CT Corporation System  
818 W. Seventh Street  
Los Angeles, CA 90017

First American Title Company  
By and Through Its Registered Agent:  
Corporation Service Company  
2730 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833

SMS Financial LLC  
By and Through Its Registered Agent:  
Resident Agents of Nevada, Inc.  
711 S. Carson Street, Suite 4  
Carson City, NV 89701

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Bancroft Susa & Galloway P.C.  
Attn: Paul D. Bancroft  
3955 E. Ft. Lowell Drive, #115  
Tucson, AZ 85712

Gibson Dunn & Crutcher LLP  
Attn: Any Officer, Partner or Director  
333 South Grand Avenue  
Los Angeles, CA 90071-3197

BofA ML Asset Holding  
f/k/a Merrill Lynch  
By and Through Its Registered Agent:  
Corporation Trust Company of Nevada  
311 South Division Street  
Carson City, NV 89703

Bank of Oklahoma  
Attn: Any Officer or Director  
5727 S. Lewis Avenue  
Tulsa, OK 74105-7119

Consolidated Mortgage Company, LLC  
By and Through Its Registered Agent:  
Shea & Carlyon Ltd.  
701 E. Bridger Avenue, Suite 850  
Las Vegas, NV 89101

U.S. Trustee

Edward M. McDonald  
Office of the U.S. Trustee  
300 Las Vegas Blvd., So. STE 4300  
Las Vegas, Nevada 89101  
Telephone No. (702) 388-6600  
E-Mail: edward.m.mcdonald@usdoj.gov

1 DATED this 18<sup>th</sup> day of October, 2011.

3 /s/ Kevin N. Anderson

4 Kevin N. Anderson

FABIAN & CLENDENIN

215 South State Street, Suite 1200

Salt Lake City, Utah 84111-2323

6 Telephone No. (801) 531-8900

7 E-Mail: kanderson@fabianlaw.com

*Attorneys for James M. Rhodes*

# EXHIBIT A





Entered on Docket  
October 12, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

IN RE:

THE RHODES COMPANIES, LLC,  
Aka "Rhodes Homes", *et al.*,

Reorganized Debtors.<sup>1</sup>

Case No. BK-09-14814-LBR  
(Jointly Administered)

Chapter 11

**ORDER DENYING MOTION TO QUASH  
RULE 2004 EXAMINATION AND  
CORRESPONDING SUBPOENAS**

Affects:

☒ All Debtors

☐ The following Debtor(s)

Hearing Date: October 5, 2011  
Hearing Time: 9:30 a.m.

Upon consideration of the Motion to Quash Rule 2004 Examination and Corresponding Subpoenas and/or Protective Order (the "Motion") filed by James M. Rhodes ("Rhodes"); the Response filed by the Litigation Trust of the Rhodes Companies, LLC, *et al.* (the "Litigation

<sup>1</sup>

The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730); Tuscany Acquisitions, LLC 90206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Ralty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf Country Clubb, LLC (7132); Pinnacle Grading, LLC (4838).

Trust”); the other related papers and pleadings filed in these jointly administered bankruptcy  
cases; and the arguments of counsel; it is hereby

ORDERED that the Motion is hereby DENIED.

Prepared by:

**DIAMOND MCCARTHY LLP**

**LAW OFFICE OF BRIAN SHAPIRO**

By: /s/ Jacob J. Roberts

By: /s/ Brian D. Shapiro

Eric D. Madden, (*pro hac vice*)

Brian D. Shapiro, NV Bar No. 5772

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*Local Counsel for the Litigation Trust of  
Rhodes Companies, LLC, et al.*

*Counsel for the Litigation Trust of  
The Rhodes Companies, LLC, et al.*

###

CERTIFICATION PURSUANT TO LOCAL RULE 9021

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

\_\_\_\_\_ The Court has waived the requirement of approval under LR 9021

\_\_\_\_\_ No parties appeared or filed written objections, and there is no trustee appointed in the case.

  X   I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]

Kevin N. Anderson                      Approved /s/ Kevin Anderson

DATED: October 7, 2011

/s/ Michael J. Yoder  
Michael J. Yoder